



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TERRE BEACH et al.,

Plaintiffs,

-v-

JPMORGAN CHASE BANK et al.,

Defendants.  
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17-CV-563 (JMF)

JAMES C. MONAGHAN,

Plaintiff,

-v-

JPMORGAN CHASE & CO. et al.,

Defendants.  
-----X

17-CV-2315 (JMF)

JESSE M. FURMAN, United States District Judge:

On March 4, 2017, the Court accepted this case as related to the already-consolidated cases in 17-CV-563 (JMF), and directed any party that objected to consolidation to file a letter on or before April 6, 2017. As all parties agree that consolidation is appropriate (or failed to object to such consolidation), it is hereby ordered that, pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, the cases are consolidated under the case number 17-CV-563.

By prior Order, the Court also indicated that it intended to appoint interim lead class counsel pursuant to Rule 23(g)(3) of the Federal Rules of Civil Procedure and set April 10, 2017, as the deadline for any motions. (*See* 17-CV-563, Docket Nos. 27 and 33). Counsel for all

Plaintiffs have agreed upon appointment of Kessler Topaz Meltzer & Check, LLP (KTMC) as lead interim class counsel. (17-CV-563, Docket No. 34). The Court finds that appointment of KTMC is appropriate based on: (1) the work that KTMC has done identifying and investigating the claims asserted in the Consolidated Action; (2) KTMC's experience handling other class actions and complex litigation, including ERISA actions; (3) KTMC's knowledge of the applicable law; and (4) the resources that KTMC has invested and has committed to invest on behalf of the putative class.. Accordingly, KTMC is hereby appointed as lead interim class counsel for the consolidated cases.

As Interim Class Counsel, KTMC shall have the authority to perform or delegate the performance of the following matters on behalf of all Plaintiffs in the Consolidated Action:

- (a) directing, coordinating, and supervising the prosecution of Plaintiffs' claims in the Consolidated Action;
- (b) initiating, responding to, scheduling, briefing, and arguing all motions;
- (c) appearing at all hearings and conferences regarding the case;
- (d) determining the scope, order, and conduct of all discovery proceedings;
- (e) assigning work to Plaintiffs' counsel as necessary and appropriate under the circumstances;
- (f) retaining experts;
- (g) communicating with the Court;
- (h) communicating with Defendants' counsel;
- (i) conducting settlement negotiations on behalf of Named Plaintiffs and the class;

- (j) coordinating activities to avoid duplication and inefficiency in the filing, serving, and/or implementation of pleadings, other court papers, discovery papers, and discovery practice, and, generally, in the litigation; and
- (k) performing such other duties that may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

KTMC shall also have authority to communicate with counsel for Defendants and the Court on behalf of all Plaintiffs and the proposed Class. Defendants' counsel may rely on all agreements made with KTMC, and such agreements shall be binding. No motion shall be initiated or filed on behalf of any Plaintiff in this action except through KTMC.

The Clerk of Court is directed to consolidate the above-captioned cases under 17-CV-563, to close 17-CV-2315, and to terminate 17-CV-563 Docket No. 34. All future filings shall be made only in 17-CV-563.

SO ORDERED.

Dated: April 13, 2017  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge